

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA**

**v.**

**Criminal No. 2:11-cr-258**

**SHAWN THOMAS LESTER.**

**AMENDMENT TO DEFENDANT'S SENTENCING MEMORANDUM**

Defendant through undersigned counsel amends his Sentencing Memorandum (ECF 70) on the single issue of the correct guideline calculation and range as found by the Presentence Investigation Report (PSR). Counsel inadvertently referred several times to the initial draft PSR. Following the Probation Officer's corrections based on Defendant's objections, the final PSR calculated a total offense level of 17 and a criminal history category of III for a guideline imprisonment range of 30 to 37 months. PSR ¶ 86.

The Sentencing Memorandum refers to the original, rather than the corrected, guideline range at pages 3 and 8.

Defendant moves the Court to sentence him within the guideline range correctly calculated – without objection from the Government – at 30 to 37 months.

**Respectfully submitted,**

**SHAWN THOMAS LESTER  
By counsel**

**/s/ Deirdre H. Purdy**

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I, Deirdre H. Purdy, counsel for the Defendant, hereby certify that on this 11<sup>th</sup> day of June, 2012, service of the foregoing **AMENDMENT TO DEFENDANT'S SENTENCING MEMORANDUM** was made upon the United States of America by filing this motion in the Court's CM/ECF system for electronic delivery to:

Gregory McVey

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**s/ Deirdre H. Purdy**

Deirdre H. Purdy